

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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CARLOS MARTELL and CAMILLE GLYNN,

Plaintiffs,

v.

Case No. 2:10-cv-14896

IDS PROPERTY CASUALTY INSURANCE  
COMPANY,

Defendant.

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**ORDER GRANTING DEFENDANT’S “MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSE” AND DENYING PLAINTIFF’S “MOTION FOR JUDGMENT”**

On October 28, 2011, Plaintiffs filed a motion for summary judgment in this matter. Defendant failed to respond by November 21, 2011, the due date proscribed by Local Rule 7.1(e)(1). See E.D. Mich. LR 7.1(e)(1)(B) (“A response to a dispositive motion must be filed within 21 days after service of the motion.”). As a result, on November 28, 2011, Plaintiffs filed a “Motion for Judgment” suggesting that Defendant’s lack of response indicated the motion for summary judgment was unopposed and requesting that summary judgment be entered in their favor. Also on November 28, 2011, Defendant filed a “Motion for Extension of Time to File Response,” stating that it did wish to contest Plaintiff’s motion and requesting that the court extend the deadline for its response to November 30, 2011.

Under Federal Rule of Civil Procedure 6(b)(1)(B), “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time . . . on motion made after the time has expired if the party failed to act because of excusable

neglect.” In its motion, Defendant explained that its failure to respond was due to its erroneous assumption that the court would impose a deadline in a briefing schedule rather than abide by the time limits of Rule 7.1(e). Defendant further relates that, once it realized its mistake upon conferring with the court’s staff on November 22, 2011, it unsuccessfully sought Plaintiffs’ concurrence in extending its deadline to November 30, 2011. In the court’s view, this constitutes “excusable neglect” that provides “good cause” for granting Defendant’s request for an extension, given that the extra time allotted will not require the court to reschedule the January 11, 2012 hearing date set for Plaintiff’s motion. Accordingly,

IT IS ORDERED that Defendant’s “Motion for Extension of Time to File Response” [Dkt. # 28] is GRANTED. Defendants shall file their response to Plaintiff’s motion for summary judgment by **November 30, 2011**.

IT IS FURTHER ORDERED that Plaintiff’s “Motion for Judgment” [Dkt. # 27] is DENIED.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: November 29, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 29, 2011, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522